

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
V.)
)
Fidelity IRA Account # 2AG300462 in)
the amount of \$47,377.00;)
) CIVIL ACTION NO. P-05-CV-92-RAJ
Roth IRA Account # 2SG300470 in the)
amount of \$24,866.00;)
)
Fidelity Investments Account #)
Z43-335622 in the amount of \$80,965.00;)
and)
)
First Eagle Funds c/o DST Sup. Inc.)
Account # 589986-3 in the)
amount of \$3,087.61,)
)
Respondent.)

UNITED STATES OF AMERICA'S MOTION TO DISMISS

Comes now Petitioner United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files its Motion to Dismiss this instant civil forfeiture action pursuant to the provisions of Rule 41(a)(2) of the Federal Rules of Civil Procedure (Fed. R. Civ. P.), and would show the Court as follows:

On December 1, 2005, Petitioner, United States of America filed an Agreed Emergency Motion to Extend Time for United States of America to File a Verified Complaint for Forfeiture. The reason for said Agreed Motion was to extend the time for the United States to file a Verified Compliant for Forfeiture against the Respondent Properties. The United States has since pursued

the criminal forfeiture of the Respondent Properties under criminal case number P-05-CR-136-RJ and therefore, the United States does not intend to file a Verified Complaint for Forfeiture against the Respondent Properties. Accordingly, the United States seeks to dismiss and close this instant case.

WHEREFORE, for all of the above-stated reasons, Petitioner United States of America respectfully moves this Honorable Court to grant its Motion to Dismiss in this instant civil forfeiture action, and for such other and further relief the Court deems just and proper.

Respectfully submitted,

JOHNNY SUTTON
United States Attorney

By: /S/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing United States of America Motion to Dismiss have been mailed by certified mail, return receipt requested, on this 3rd day of April, 2007, addressed as follows:

Demetrio Duarte, Jr.
Attorney at Law
2200 Warner
San Antonio, Texas 78201
Attorney for Claimant John Sullivan and for Rosa Sullivan

/S/
DIANA CRUZ-ZAPATA
Assistant United States Attorney
Tel: (210) 384-7040

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ORDER

On this date came on for consideration the United States of America's Motion to Dismiss, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and the Court having considered the same and being duly and fully apprised in all its premises, is of the opinion that said Motion is meritorious and well-taken and shall be, and hereby is, in all things GRANTED; IT IS, THEREFORE,

ORDERED that the above-styled and numbered civil forfeiture action be, and hereby is, DISMISSED and CLOSED; IT IS FURTHER,
IT IS SO ORDERED.

SIGNED this ____ day of _____, 2007.

ROBERT JUNELL
United States District Judge